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10/22/02
Atty. Docket No. WN-1979

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Satoshi HOSHINO Confirmation No. 3994

Serial No. 09/252,034 GROUP 2623

Filed February 18, 1999 Examiner S. Ahmed

DEVICE FOR DETECTING A FINGERPRINT,
ELECTRIC APPARATUS AND DOORKEEPER
APPARATUS

REPLY BRIEF PURSUANT TO 37 CFR §1.193

Commissioner for Patents

Washington, D.C. 20231

Sir:

This reply brief is responsive to the Examiner's Answer mailed July 16, 2002, and in particular to the rejection under §112, first paragraph.

The Examiner discusses the "locked" contact surface on page 6 of his Answer, asserting that locked means "fixed in position." No cite is given for this definition and it is presumed that this is the Examiner's informal understanding of the term that carries no particular weight. Nevertheless, this definition foretells the problems with the Examiner's arguments.

If the contact surface were indeed locked - fixed in position, then it could not move up or down. However, the contact surface does move up when the fingertip is removed from the contact surface (page 6, lines 9-12). Thus, the specification does not mean that the contact surface is "fixed in

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position" when it is locked. The Examiner has fixed his sights on the term "locked" without regard to the application as a whole. He attributes one meaning to the term when the contact surface is moved down (asserting that it is immovably fixed in the detent and cannot move down any farther) and another meaning when the contact surface moves up (it is free to move up and out of the detent). When one of skill in the art considers the application as a whole, it is clear that the applicant intends only one meaning for "locked;" namely that the detent informs the user whether the pressure of the fingertip is sufficient or not, where the "or not" includes both too much and too little pressure (e.g., page 9, lines 15-24; page 2, lines 9-19; page 3, third paragraph). The inconsistency in the Examiner's interpretation of "locked" dooms the rejection under §112, first paragraph, which should be reversed.

The Examiner also fails to consider the difficulty in adjusting fingertip pressure in a fingerprint detection device that one of skill in the art would consider when reading the present application. As those of skill in the art are aware, the range of allowable pressure for scanning a fingerprint is narrow and that the suitable pressure is slight. Most people tend to apply too much pressure, which causes the grooves of the fingerprint to collapse. The present inventor has taken this into consideration by providing a detent for the contact surface that forces the user to apply suitable pressure: neither too much

nor too little. If the Examiner were correct in his assessment of the specification, then the user could apply too much pressure and collapse the grooves of the fingerprint, which would render the device inoperable.

By way of further explanation, the user pushes on the contact surface until the click impression caused by the detent is felt. The user cannot react immediately and will inevitably push a bit more, which would smudge the fingerprint (the correct pressure being in the detent position, page 7, lines 18-22) if the additional pressure were allowed to persist, as suggested by the Examiner. The Examiner fails to consider the user's reaction time, which one of skill in the art would be aware of and consider when evaluating the present disclosure.

In view of the Appeal Brief and this Reply Brief, it is believed that the rejection of record cannot be sustained and that the same must be reversed, and such is respectfully requested.

Respectfully submitted,

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